

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

FILE

OFFICE OF
MANAGING DIRECTOR

January 19, 2006

Richard F. Swift, Esq.
Irwin, Campbell & Tannenwald, P.C.
1730 Rhode Island Ave., N.W.
Suite 200
Washington, D.C. 20036-3101

Re: Encuentro Christian Network Corp.
Television Station WECN, Naranjito, P.R.
FY 2005 Regulatory Fee
Fee Control No. 00000RROG-06-002

Dear Mr. Swift:

This is in response to your request dated September 7, 2005, filed on behalf of Encuentro Christian Network Corp. (ECN) (Request) that the Office of Managing Director (OMD) find that the assessment of fiscal year (FY) 2005 regulatory fees against television station WECN, Naranjito, Puerto Rico, is inconsistent with OMD's prior decision that ECN is exempt from regulatory fees based upon its status as a nonprofit entity under the laws of the Commonwealth of Puerto Rico.¹ Our records reflect that ECN did not pay a regulatory fee for FY 2005. For the reasons stated herein, we find that ECN is exempt from the Commission's regulatory fees.

In establishing the regulatory fee program, Congress provided an exemption from the fee requirement for nonprofit entities. 47 U.S.C. §159(h). In reconsidering the rules implementing the fee program, the Commission amended section 1.1162(c) of the rules, 47 C.F.R. §1.1162(c), to exempt from regulatory fees:

... an organization duly qualified as a nonprofit, tax exempt entity ... or an entity with current certification as a nonprofit corporation or other nonprofit entity by a state or other governmental authority.

¹ Request at 1. In support, you attach Letter from Marilyn J. McDermett, Associate Managing Director for Operations, OMD, to Lauren Lynch Flick, Esq., Counsel for ECN (Mar. 27, 1996) (finding ECN exempt from the Commission's regulatory fees based on ECN's status as a nonprofit entity incorporated under the laws of the Commonwealth of Puerto Rico, as established by a copy of ECN's certificate of incorporation).

In subsequent correspondence, ECN states that it "still remains as a non-profit entity under the laws of the Commonwealth of Puerto Rico."² We therefore find that ECN, as a nonprofit entity incorporated under the laws of the Commonwealth of Puerto Rico, is exempt from the Commission's regulatory fees. You should note that ECN is under a continuing obligation to report to the Commission any changes that could affect its qualification for this fee exemption, such as a change in its corporate status. You should retain this letter and submit a copy of it with any future correspondence with the Commission concerning regulatory fees for television station WECN.

If you have any questions concerning this matter, please contact the Revenue & Receivables Operations Group at (202) 418-1995.

Sincerely,



 Mark A. Reger
Chief Financial Officer

² Letter from Rafael Torres Padilla, President, Encuentrovision, to FCC (Dec. 8, 2005).

1710-000
Regulatory Fee
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FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

March 27, 1996

OFFICE OF
MANAGING DIRECTOR

Lauren Lynch Flick, Esquire
Fisher Wayland Cooper Leader & Zaragoza L.L.P.
2001 Pennsylvania Avenue, N.W.
Suite 400
Washington, D.C. 20006

Re: Encuentro Christian Network, Corporation
Requests for Exemption from Regulatory Fees
Fee Control # 9408028835117013
Fee Paid: \$4,025

Dear Ms. Flick:

This is in response to your requests for a ruling that Encuentro Christian Network, Corporation (Encuentro) is exempt from the regulatory fees for broadcast stations as a nonprofit entity, and for a refund of its Fiscal Year 1994 regulatory fee. You submitted a certificate of incorporation establishing that Encuentro is incorporated as a nonprofit entity under the laws of the Commonwealth of Puerto Rico.

In establishing the regulatory fee program, Congress provided an exemption from the fee requirement for nonprofit entities. 47 U.S.C. § 159(h). In reconsidering the rules implementing the fee program, Implementation of Section 9 of the Communications Act, FCC 95-257, released June 22, 1995, the Commission amended Section 1.1162(c) of the Rules, 47 C.F.R. § 1.1162(c), to exempt from regulatory fees:

. . . an organization duly qualified as a nonprofit, tax exempt entity . . . or an entity with current certification as a nonprofit corporation or other nonprofit entity by a state or other governmental authority.

Therefore, Encuentro, as a nonprofit entity incorporated under the laws of the Commonwealth of Puerto Rico, is exempt from the regulatory fees and the fee previously submitted will be refunded.

Lauren Lynch Flick, Esquire
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A check, made payable to the maker of the original check, and drawn in the amount of \$4,025, will be sent to you at the earliest practicable time. If you have any questions concerning the refund, please call the Chief, Fee Section, at (202) 418-1995.

Sincerely,



Marilyn J. McDermott
Associate Managing Director
for Operations